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COMMISSION ON HUMAN RIGHTS

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SUMMARY RECORD OF THE 28th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 April 1999, at 3 p.m.

Chairperson: Ms. ANDERSON (Ireland)

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GE.99-12083 (E)

The meeting was called to order at 3.05 p.m.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

1. Mr. AKRAM (Pakistan) said that, in view of the ongoing crisis in Kosovo which had caused untold human suffering and which called for a firm response from the international community, the Commission should, as a matter of urgency, consider at its afternoon meeting on 13 April the draft resolution on the situation of human rights in Kosovo submitted by his delegation on behalf of the States members of the Organization of the Islamic Conference (OIC). A revised version of the draft resolution, bearing the symbol E/CN.4/1999/L.3/Rev.1, would be available in time for the discussion.

2. The CHAIRPERSON said she took it that the Commission wished to discuss the draft resolution on the situation of human rights in Kosovo (E/CN.4/1999/L.3/Rev.1) at its thirtieth meeting on 13 April 1999.

3. It was so decided.

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(agenda item 11) (continued) (E/CN.4/1999/39 and Add.1, 53-55, 56 and Add.1 and 2, 57, 58 and Add.1 and 2, 59, 60, 61 and Add.1, 62 and Add.1 and Corr.1 and Add.2, 63 and Add.1-4, 64 and Add.1 and 2, 65, 111, 128 and 149; E/CN.4/1999/NGO/21-26, 30, 31, 36, 37, 43, 50-52 and 62; A/53/283 and Corr.1 and 501; A/RES/53/139; E/CN.4/Sub.2/1998/19; E/CN.4/Sub.2/1998/SR.24, 27, 28 and 35)

4. Mr. CUMARASWAMY (Special Rapporteur on the independence of judges and lawyers), introducing his report (E/CN.4/1999/60), said he regretted that a number of Governments had failed to respond to his appeals or communications. Since completing his report, however, he had received responses from the Governments of Djibouti, Malaysia, New Zealand and Sri Lanka. He would also appreciate a positive response from the Governments of countries where he wished to undertake in situ missions. In that connection, he was pleased to report the receipt of an invitation from the Government of Guatemala to visit the country.

5. He welcomed the decision of the House of Lords in the Pinochet case in which it had categorically reaffirmed the importance of upholding the principle that the courts, including appellate courts, must not only be independent and impartial but be perceived to be so.

6. He also welcomed the decision by the Supreme Court of Pakistan that the establishment of military courts to try civilians was unconstitutional.

7. His report on the follow-up mission to Belgium had been delayed by logistic and other problems but would soon be submitted to the Government. He thanked the Belgian authorities for their continued cooperation. Some of the concerns expressed during his first mission had been taken into account in the constitutional reforms, particularly those regarding the composition of the Higher Council of the Judiciary.

8. With regard to Northern Ireland, he had responded in his report (paras. 185-196) to the comments of the United Kingdom Government on his mission report. Some of the steps taken by the Government and the Chief Constable of the Royal Ulster Constabulary (RUC) were welcome in that they could help to prevent incidents of harassment and intimidation of defence lawyers during the interrogation of suspects in holding centres. However, the brutal murder of defence lawyer Rosemary Nelson in March 1999 would once again have a chilling effect on the independence of defence lawyers and other human rights defenders in Northern Ireland. He had expressed concern about her personal security in communications to the United Kingdom Government over the past two years.

9. While welcoming the decision by the Chief Constable of the RUC to invite outside experts to lead the murder investigation, he hoped that their impartiality and credibility would not be tainted by RUC involvement. Ms. Nelson herself had had little confidence in the RUC investigatory mechanism. However, the Secretary of State for Northern Ireland had assured him that an impartial investigation would be conducted.

10. He was more convinced than ever of the need for a commission of inquiry into the murder of Patrick Finucane in order to ascertain whether there had been collusion on the part of the security forces, including the RUC. He would raise that and other issues at forthcoming meetings with the Secretary of State for Northern Ireland and with the Chris Patten Commission on Policing for Northern Ireland.

11. He appealed to the members of the Law Society of Northern Ireland to set aside their differences and join ranks in defence of the independence of their profession

12. He had not yet received a response from the Government of Belize to his communication regarding the possible removal of the Chief Justice. His concerns had been borne out in February 1999 by news of the removal of the Chief Justice by court order in an application filed by a member of the public, with the Attorney-General as respondent. The Chief Justice had not been accorded due process. He had reiterated his concern in a further communication to the Government.

13. On 6 April 1999, a female client of Mrs. Jahangir, a prominent lawyer in Lahore, Pakistan, had been shot dead at the behest of her family as she was consulting her lawyer on a matrimonial matter. Mrs. Jahangir herself, who was also the Commission's Special Rapporteur on extrajudicial, summary or arbitrary executions, had subsequently received a death threat. He appealed

to the Government of Pakistan to take immediate action to protect Mrs. Jahangir and her colleagues in accordance with its obligations under the United Nations Basic Principles on the Role of Lawyers. He would also raise the matter with the High Commissioner on Human Rights, who would no doubt bring it to the attention of the Secretary-General.

14. Mr. BASSIOUNI (Independent Expert on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms), introducing his report (E/CN.4/1999/65), said that his mandate was to prepare a revised version of the basic principles and guidelines on the right to reparation for victims of violations of human rights and international humanitarian law, taking into account views and comments from States and intergovernmental and non-governmental organizations. It thus overlapped with a number of other thematic mandates, most importantly with the impunity of perpetrators of human rights violations. The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Statute of the International Criminal Court were also highly relevant.

15. Human rights violations were referred to, inter alia, as "gross human rights violations", "violations of fundamental human rights" and "violations of international humanitarian law and human rights" and modalities of redress were referred to as "reparations", "restitution", "compensation" and "rehabilitation". As the proposed guidelines would be used in a national context and would be applicable to access to justice and to both civil and administrative remedies, the diversity of the world's legal systems must also be taken into account. The question of access to international remedies when justice was denied at the national level must also be addressed.

16. If the Commission agreed, he would deal with all those matters in his next report. However, the fact that his mandate was unfunded made it extremely difficult to pursue the study of major legal systems and the availability of international remedies while endeavouring to coordinate with other experts and special rapporteurs.

17. Mr. ELNASRI (Sudan) said that his Government firmly believed in the universality of human rights and supported the provision in the Vienna Declaration and Programme of Action concerning respect for distinctive cultural and religious characteristics.

18. Violations of civil and political rights should be investigated and punished in all countries. Human rights issues should be addressed through cooperation rather than confrontation. His Government had invited many of the Commission's human rights mechanisms to visit the country and its willingness to cooperate had been recognized by the Special Rapporteur on the situation of human rights in the Sudan.

19. Unilateral action by certain States outside the framework of international law had resulted in violations of civil and political rights, including the right to life. The bombing by the United States of the Al-Shifa factory in the Sudan in August 1998 should be condemned by the entire international human rights community.

20. Internal conflicts posed another major threat to civil and political rights. The ethnic cleansing that was being carried out before the eyes of the world in Kosovo must be halted as soon as possible through international legal means. In the Sudan, his Government had signed a peace agreement in April 1997 under which the rebels were granted the right to self-determination and guaranteed full religious freedom.

21. The new Sudanese Constitution guaranteed the whole range of civil and political rights and freedoms and prohibited slavery, forced labour, torture and all forms of discrimination. The implementing legislation subsequently adopted included the Constitutional Court Act, the Political Organizations Act and the General Elections Act. Other relevant bills were still being discussed in Parliament.

22. Mr. MAKOV (Russian Federation), having endorsed the recommendation by the Special Rapporteur on religious intolerance (E/CN.4/1999/58) concerning the adoption by the international community of a minimum set of standard rules and principles of conduct and behaviour in respect of religious extremism, said that two years previously, the Russian Federation had adopted the Religious Associations (Freedom of Conscience) Act. As a result, the Ministry of Justice had registered over 70 religious associations by February 1999. Where applications for registration were rejected, either the documents presented by the applicants were not in order or the association's activities were incompatible with the status of a religious body (for example, business activities). Disputes were usually resolved through legal proceedings.

23. The new Act had entailed the amendment of local legislation such as the legislation on missionary activity in Udmurtia and the Freedom of Conscience and Religion Acts in Kalmykia and Bashkortostan. The basic reason for the adoption of local laws inconsistent with federal legislation had been the improper activities of destructive religious associations and sects and of foreign preachers. He therefore agreed with the Special Rapporteur's proposal that his research should be extended to include sects and new religious movements.

24. The issue of interdenominational relations in the Russian Federation had not yet been fully resolved. However, the State was doing its best to uphold the constitutional guarantee of equality of religious associations before the law.

25. He agreed with the Special Rapporteur's emphasis on the need for a strategy to prevent intolerance and discrimination and the important role to be played by education in that context. The Commission on Religious Associations of the Russian Government was giving serious attention to the matter.

26. The most zealous defenders of freedom of conscience and opponents of religious intolerance had ignored the calls by Pope John Paul II, Patriarch Alexei II of Moscow and All Russia and other spiritual leaders to halt military action throughout Yugoslavia and work instead for a peaceful solution to the humanitarian situation in the Balkans and for an end to the

fratricidal war. The bombing and bloodshed had not even been suspended during Easter week. How could such barbarous conduct be reconciled with calls for religious tolerance and equality of all religions?

27. Mr. Man-Soon CHANG (Republic of Korea), having commended the work of the working groups and special rapporteurs on agenda item 11, said it was regrettable that many Governments had ignored their communications and urgent appeals. Although 1,015 new cases of disappearance had been transmitted to the Working Group on Enforced and Involuntary Disappearances in 1998, the Governments of 32 States had refused to communicate with the Group. He urged them to reconsider their position and called on the Commission to improve the Group's working conditions by enjoining Governments and non-governmental organizations (NGOs) to give it their full support.

28. The number of States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment remained unchanged at 110. He urged all States to ratify the Convention as a matter of priority and to comply with its provisions.

29. Since the inauguration of President Kim Dae-Jung in February 1998, the Government of the Republic of Korea had been strongly promoting democracy and human rights. An independent national human rights commission was to be established by the end of the year. Restrictions on the teachers' union had been lifted and public employees had been guaranteed freedom of association. The Communication Secrecy Protection Act had been amended to end illegal telephone tapping for investigative purposes. The Nationality Act and the Family Act had also been amended. Three major amnesties had been granted in 12 months.

30. The Government agreed that the National Security Law might restrict human rights and freedoms and was contemplating either its revision or the enactment of a new law. As part of the review process, the authorities were consulting both those advocating repeal of the Law and those calling for its retention. It would also take into account the relevant international treaties and the Views of the Human Rights Committee.

31. Mr. ALFONSO MARTÍNEZ (Cuba) said that agenda item 11 demonstrated the urgency of undertaking a radical and painstaking reform of the Commission's working methods. The attempt to conduct within the time available a productive and comprehensive debate on civil and political rights was extremely frustrating. There were no fewer than 11 sub-items and the 38 documents, totalling 1,103 pages, included six reports by the Secretary-General and eight by special rapporteurs and working groups. All of them deserved careful study.

32. His delegation had been able to absorb barely three quarters of the documentation; and, if that was not bad enough, speaking time even for members had been reduced to 10 minutes. That was a problem that affected all the agenda items but it was particularly acute for item 11. He hoped that there was no deliberate policy to prevent the Commission from considering various issues in depth.

33. His delegation remained concerned about the shortcomings in the approach of the Working Group on Arbitrary Detention, despite the considerable improvement since 1996. Those shortcomings were glaringly apparent in the case of Opinion No. 1 of 1998, contained in document E/CN.4/1999/63/Add.1, which had been refuted by his delegation in document E/CN.4/1999/128. The question still arose, however, as to why the Working Group arrogated to itself functions that it had not been granted and relied on the opinions of a special rapporteur whose mandate no longer existed. It thought itself entitled to dictate to a sovereign State what legislation it should or should not have. Cuba, however, was not minded to concede one iota of its sovereignty. He also asked why his Government's reply had not been issued with the report, as his delegation had requested.

34. With regard to the increasingly pressing problem of private prisons, he noted that the Sub-Commission had been concerned about the matter for some 10 years and had twice requested the Commission to authorize an expert to undertake a special study. The countries claiming to be universal guarantors of human rights seemed to be those which continued to oppose such a study; yet many believed that privatizing prisons represented a step back into the practices of the sixteenth century. He trusted that the Commission would eventually approve such a study.

35. Mr. MORJANE (Tunisia) said that international human rights standards had been incorporated into the constitutions and laws of many countries but legislation alone was not enough to ensure the enjoyment of human rights. Political, sociological and economic realities could prove stumbling blocks. Where large portions of its population were poor and malnourished, a country could fall into instability and violence. The international community, as well as the Governments concerned, had a role to play in reducing the disadvantages of globalization. A society where a minimum of economic and social rights were respected had the best chance of progressing to democracy.

36. The past decade in his country had seen a growth in political parties, pluralism and the consolidation of democracy. Most recently the Head of State had, on 20 March 1999, announced a series of political and legal reforms. Police custody was to be reduced to three days and renewable only once. When a person was arrested, the family would be informed immediately. The accused would be informed of his or her legal rights. Some provisions of the Criminal Code would be amended to include the definition of torture contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

37. Judges would be given the responsibility of overseeing the conditions of a prisoner's sentence to ensure that they conformed with regulations and legislation. Further safeguards would also be built into the criminal legislation system, to strengthen the rights of the defendant.

38. Cooperation rather than confrontation was undoubtedly the best way of protecting and promoting human rights. That was how the Commission should conduct itself. Human rights were exclusive to no one, least of all to those who misused them. It was regrettable, however, that some NGOs used the Commission to spread groundless allegations against countries. Contributions should be constructive.

39. Mr. LOIZAGA (Observer for Paraguay) said that the treacherous assassination of the Vice-President of his country, Dr. Argaña had revealed the collusion between ex-President Cubas and the fugitive from justice General Oviedo. The two had granted their followers impunity in their attacks against members of the judiciary who had sought to restore the rule of law. They had also been responsible for the massacre of students and peasants on 26 March 1999, shot down while demonstrating for democracy in front of the Parliament house.

40. The two men's actions had flouted the articles of the Constitution providing for a separation of powers between the executive and the judiciary and for the total independence of the judiciary. The executive had ignored Supreme Court decisions confirming the sentence on the General, thus sanctioning impunity. The Court's decision regarding the unconstitutionality and nullity of Decree 117/98, commuting the General's sentence, had been the reason for the attacks on the then President of the Court and a minister, Elixeno Ayala, by followers of the Government, with the connivance of the police under the direct control of the former President.

41. He had just held a meeting with the Special Rapporteur on the independence of judges and lawyers and had assured him, on behalf of the Government of National Unity of Paraguay, of its commitment to cooperating with the judicial authorities to track down and punish those responsible. That Government, which consisted of a number of democratic parties, undertook to respect the Constitution, the independence of the judiciary and the full enjoyment of the civil and political rights of all citizens.

42. Mr. AMOR (Special Rapporteur on religious intolerance), introducing his report (E/CN.4/1999/58 and Add.1 and 2), said that the 63 communications he had sent to 46 States did not cover all the incidents of religious intolerance occurring in all parts of the world. Nor were examples of discrimination necessarily endemic. They might relate to isolated individuals or to entire communities. Some were isolated cases, others were the tip of an iceberg.

43. Urgent appeals had been addressed to Iran concerning three Baha'is reportedly condemned to death for their religious beliefs. It was important that Iran - which, to its credit, had fully cooperated and provided detailed information - should reconsider its attitude to the Baha'i faith. The tolerance to which Iran once again laid claim should extend to the Baha'is as well as to other religious minorities.

44. With regard to the situation of women, he drew attention to the apartheid-like practices of the Taliban in Afghanistan. Women suffered discrimination in every sphere, not only at the hands of religious extremists but generally throughout society and at the highest level.

45. As for the written replies from States, 10 more - from Belgium, Bulgaria, China, Egypt, India, the Islamic Republic of Iran, Iraq, Malaysia, the Maldives and the Sudan - had been received after the completion of his report. He had also sent 24 further communications to States.

46. In situ visits were a good way of promoting dialogue and understanding. He had so far been unable to visit Israel or Russia, but Turkey had agreed to

receive him. After his visit to the United States of America, his conclusion was that the situation was generally satisfactory there, although certain improvements were possible. He had made some recommendations on raising awareness of the values of tolerance and non-discrimination, particularly with regard to the media, which were commonly biased against Muslims. He had also made some specific recommendations relating to Native Americans, whose spirituality was not yet sufficiently appreciated.

47. His visit to Viet Nam had shown that progress had undoubtedly been made there towards tolerance and non-discrimination against religion. Criminal legislation, should, however, be amended to conform to international law on freedom of religion or belief and restrictions on the freedom of religious communities, including the training and appointment of clergy, the building or repair of places of worship and the issue of religious publications, should be lifted. The Government should amnesty all prisoners detained for peacefully and legitimately exercising their right to freedom of opinion, conscience, religion and expression.

48. He thought that a dispassionate study should be made of the issue of so-called sects, that a campaign should be waged against religious extremism, which affected everyone, and that his official mandate should be changed, in that its focus had moved from religious intolerance to freedom of religion or belief.

49. Ms. MUNSHI (European Union of Public Relations) said that the Ahmadiyas in Pakistan were denied the right to practice their religion. The Supreme Court had upheld the constitutionality of laws requiring them to coin their own religious terminology, with the result that they were prohibited from using common Arabic words relating to religion; some Ahmadiyas had been charged with blasphemy for naming their children after Mohammed. The federal Shariah Court had ruled that preventing Ahmadiyas preaching their faith was no violation of constitutional rights. It might be said, therefore, that the Government, the mob and the judiciary had ganged up to exterminate the Ahmadiya community.

50. Mr. SISSON (International Fellowship of Reconciliation) said that, over the years, a consistent pattern of abuse of the fundamental human rights of the Tibetan people by the Chinese Government had emerged but the Commission had yet to condemn China for its policy in Tibet, no doubt for political and economic reasons. After his 1994 visit to China, the Special Rapporteur on religious intolerance had noted substantial progress in legislation on religious freedom but had warned that it was threatened by arbitrariness at the individual, administrative and political level. That "arbitrariness" had turned out to be widespread and systematic repression.

51. In 1996, the "Strike Hard" campaign had been launched in China. In Tibet, it was directed against those supporting Tibetan independence and allegiance to the Dalai Lama. Chinese "work teams" had been sent into monasteries and convents to "re-educate" monks and nuns, requiring them to denounce the Dalai Lama, accept the Chinese-appointed Panchen Lama and recognize the authority of the Chinese Government. Those who refused were expelled or arrested. In one case, two monks had been shot and killed while

refusing to cooperate with a "work team". The campaign was a serious infringement of the right to freedom of religion and China should be requested to accept a follow-up visit from the Special Rapporteur.

52. Mr. RASOOL DAR (International Human Rights Association of American Minorities) said that routine torture was practised by Indian military and paramilitary forces in Jammu and Kashmir. One recent case concerned a 25-year-old pregnant woman whose torture had resulted in a stillbirth. In another case a 14-year-old boy had been tortured to death. It was hardly surprising, therefore, that India continued to refuse to invite the Special Rapporteur on torture. The Special Rapporteur on extrajudicial, summary or arbitrary executions had also criticized India. It was time that the Commission put a stop to India's systematic abuse of the Kashmiris.

53. Mr. LECOCQ (Inter-Parliamentary Union) said that one of the three main areas of the Union's activities was defending parliamentarians subjected to violations of their civil and political rights. It had recently dispatched missions to investigate two cases of such violations. In Malaysia, the Government had prevented a Union delegation from meeting in private a parliamentary opposition leader who had been imprisoned for having criticized the Attorney-General's handling of a case of rape of a minor by a senior government official. The Union had also received reports that the conditions of the parliamentarian's detention did not comply with international standards.

54. In Chad, on the other hand, the authorities had allowed a Union delegation to visit the leader of the parliamentary opposition, who had also been imprisoned. Subsequent to that visit, the parliamentarian had been released and had resumed his parliamentary activities. The Chadian authorities were to be commended for engaging in dialogue with the Union, which was the most effective way of resolving the cases submitted to it for action.

55. Mr. KOVEN (World Press Freedom Committee) endorsed the approach taken by the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, which consisted of focusing on systematic violations of the right to free speech and press freedom in specific countries. Without those freedoms it was impossible to advance the cause of any other human rights. He disagreed with those who accepted restrictions on the freedom of expression on such broad grounds as national security, public order, or public health or morals, all of which were mentioned in the International Covenant on Civil and Political Rights. The fact that laws restricting press freedom and the freedom of expression existed did not make them legitimate.

56. He thus could not agree with the Special Rapporteur's endorsement (E/CN.4/1999/64, para. 23) of the Johannesburg Principles on National Security, Freedom of Expression and Access to Information, which accepted national security as a ground for permissible restriction of press freedom, and was opposed to the existence of criminal defamation laws that afforded public officials special protection against critical reporting.

57. The Special Rapporteur had rightly said that new information technologies should be afforded the same protection as more traditional ones. In his future work, however, the Special Rapporteur should preferably avoid studying countries whose press freedom record was satisfactory, and countries that were clearly hopeless cases, and focus instead on countries that committed serious violations but might reasonably be expected to improve. He should also avoid the question of standards, since the standard for the freedom of expression was already set in the Universal Declaration. The Special Rapporteur should be provided with additional resources and support to carry out his mandate.

58. Ms. GRANGE (Commission of the Churches on International Affairs of the World Council of Churches) said that churches and human rights groups had made courageous efforts to overcome the culture of impunity in societies dealing with the legacy of former regimes that had perpetrated grave human rights violations. There could be no genuine reconciliation if the question of accountability for past crimes was not addressed. Her organization thus welcomed such measures as the decision to establish an International Criminal Court and the establishment in many countries of national truth commissions as important tools towards eradicating the culture of impunity.

59. The commendable report prepared by the Commission for Historical Clarification in Guatemala illustrated the value of such efforts. The report had been received with joy by the victims of human rights abuses, who had felt for the first time that their dignity had been restored once the abuses committed had been publicly acknowledged and responsibility had been assigned. It was incumbent on the Government of Guatemala to ensure that the recommendations contained in the report were implemented, particularly with regard to the judicial system, which had been plagued by decades of corruption and threatened by parties that had no interest in seeing the rule of law prevail.

60. She called on the international community to assist the Government in its effort to address the weaknesses in the system for the administration of justice and welcomed the decision by the Special Rapporteur on the independence of judges and lawyers to accept the invitation from the Government to visit Guatemala.

61. Mr. GARCÍA HENRIQUEZ (National Union of Jurists of Cuba), having noted that the situations identified by the Special Rapporteur as affecting the independence of judges and lawyers in many countries still persisted, said that the privatization of prisons constituted a new attack on judicial systems in that they prevented them from acting as genuine guarantors of the enjoyment of human rights.

62. The adoption in July 1998 of the Statute of the International Criminal Court was a significant step in the struggle for human rights, provided that one of its guiding principles continued to be recognition of the sovereign equality of States.

63. He expressed dismay at the murder of the lawyer Patrick Finucane in the United Kingdom and endorsed the Special Rapporteur's recommendation that an independent judicial inquiry should be held.

64. Extrajudicial, summary or arbitrary executions were frequently carried out in so-called free countries, with the death penalty imposed with exceptional frequency in the United States of America. Cuban legislation considered that the death penalty should be applied only in extreme cases. Cuba was a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and continued to implement it fully. It was unfortunate, therefore, that many other countries, including some developed countries, continued to make torture and ill-treatment an habitual practice.

65. Mr. LEBLANC (Franciscans International) welcomed the report of the Special Rapporteur on religious intolerance (E/CN.4/1999/58) and said that religious intolerance lay at the root of conflicts and violence in many parts of the world, while the lack of political will on the part of Governments to address the problem had only encouraged it to become worse. He agreed with the Special Rapporteur that the establishment of a culture of tolerance through education and appropriate legislation could prevent such violence.

66. In countries where religious discrimination was an integral part of laws and institutions, concerted action by the international community was required. In Pakistan, for example, the system of separate electorates for religious minorities and the blasphemy laws in the Penal Code were a form of systemic discrimination against religious minorities and could be used by extremist elements to settle personal scores. He therefore urged the Special Rapporteur to visit that country again. He expressed concern also at the increase in violence against religious minorities, particularly Christians, in India.

67. Mr. CHO (International Young Catholic Students) said that gross human rights violations were committed with impunity in many parts of the world under national security laws, which were widely and systematically abused by military dictatorships. In the Republic of Korea, the current Government had arrested and prosecuted under the National Security Law three times as many individuals in its first year in office as the previous Government had done. The current economic crisis in many countries also gave rise to the application of national security laws, in violation of the economic, social and cultural rights of migrant workers, ethnic minorities and other vulnerable groups.

68. He urged the Government of the Republic of Korea to repeal its National Security Law and requested the Special Rapporteur on the independence of judges and lawyers to visit all the countries affected by national security legislation. He also requested the Commission to appoint a special rapporteur on national security laws, to endorse the Johannesburg Principles, and to develop international standards and mechanisms to protect human rights under national security laws. Lastly, he urged the appointment of a special rapporteur on human rights defenders, whose mandate would include the protection of such persons from national security laws.

69. Ms. KIRPALANI (Brahma Kumaris World Spiritual University) said that religious intolerance in the world had reached such a point that even some practitioners of the non-violent religions of Buddhism and Hinduism had engaged in violence. Research had shown that discrimination escalated as self-esteem degenerated, a finding that might help to explain the current

increase in religious intolerance. It was paradoxical that finding one's identity had become so difficult in the so-called information age, but the fact that human identity was associated with external, physical factors had caused individuals to lose their spiritual identity and thus their self-esteem.

70. As the Special Rapporteur on religious intolerance had said, prevention required the establishment of a culture of tolerance, notably through education. Since its inception, her organization had sought to develop the human person by recognizing the divine qualities inherent in each individual and, in partnership with other organizations, had also sought to create a culture of values that would lead to personal change, and thus ultimately to the creation of a better world.

71. The Special Rapporteur had drawn attention to the persistence of intolerance and discrimination based on religion or belief in some European countries and she requested that a special rapporteur should be appointed to study the classification of organizations as sects by certain European countries.

72. Mr. LIU Nianchun (Robert F. Kennedy Memorial) said that his freedom of expression had been violated in May 1995, when he had been detained after signing a human rights petition addressed to the Chinese Government. He had been the victim of a forced disappearance, while held in detention for 14 months, and subsequently sentenced to three years of re-education through labour, a sentence deemed inherently arbitrary by the Working Group on Arbitrary Detention. While in detention, he had been repeatedly subjected to torture. He hoped that the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression would be allowed to visit China in the near future.

73. Ms. LAROCHE (Robert F. Kennedy Memorial) said that the Government of Indonesia used the concept of national security as an excuse for violating civil and political rights. Arbitrary detention was a continuing problem in that country. The Commission should urge the Indonesian Government to release all individuals detained for peacefully exercising their internationally recognized rights, end military impunity, ensure the independence of the judiciary, and ratify key international human rights instruments. All Governments should amend their national security laws to ensure their consistency with the Universal Declaration and the International Covenant on Civil and Political Rights.

74. Ms. BAUTISTA (Latin American Federation of Associations of Relatives of Disappeared Detainees) said that her organization had just held a seminar on enforced disappearances which had been attended by representatives of relatives of disappeared persons from all over the world, the phenomenon not being exclusive to a particular region. Enforced disappearance was a monstrous crime that deprived the disappeared person of his most basic rights, often including his right to life. For the relatives of disappeared persons, the phenomenon represented a long, often endless trail of searching and suffering. The draft convention on enforced disappearance currently before the Commission (E/CN.4/Sub.2/1998/19) was the result of decades of work by many members of the international community. An important feature of its text

was that it characterized enforced disappearance as a crime against humanity. Given the inadequacy of existing measures, the adoption of such a convention was essential to combat that evil effectively.

75. Ms. FRIED (International Women's Tribune Centre), having given an account of the murder by a gunman hired by her family in Lahore, Pakistan, on 6 April 1999 of a 29-year-old woman who was seeking a divorce from her husband, said that so-called "honour killings" occurred in a wide range of countries, including Afghanistan, Bangladesh, Brazil, India, Iraq, Jordan, Nepal, Peru, Turkey and the United Kingdom. In many cases, the police and judiciary sided with the families and convicted killers were treated leniently by the courts. Her organization urged the Commission to condemn such killings as a violation of human rights and to encourage further investigation by the Special Rapporteur on extrajudicial, summary or arbitrary executions of the causes of and remedies for such crimes. It also urged the Special Rapporteur on the independence of judges and lawyers to pay special attention to incidents of violence against lawyers defending women and girls who sought legal redress in opposition to claims of "traditional values".

76. She was gravely concerned about the recent threat to the life of the Special Rapporteur on extrajudicial, arbitrary and summary executions. Members of the Peshawar Chamber of Commerce and some religious groups had demanded that she be arrested and hanged because "she takes the small problems of Pakistan to international forums and creates a bad name for Pakistan". If the Government of Pakistan did not take action, they would kill her themselves. The High Commissioner and the Commission should take urgent and serious note of the threat and the Government of Pakistan must ensure her safety and take action against those threatening her life.

77. Mr. AUNG (Worldview International Foundation) said that the military regime in Myanmar systematically punished people for peacefully expressing their views. Students had been sentenced to seven years' imprisonment for singing a pro-democracy song and more than 270 students and members of the National League for Democracy had been arrested for supporting the convening of the elected Parliament and sentenced to prison terms ranging from 7 to 52 years. A journalist had had his jail sentence extended by five years for smuggling letters describing prison conditions to the United Nations Special Rapporteur on the situation of human rights in Myanmar.

78. The State Peace and Development Council in Myanmar should release all those who were imprisoned for exercising their freedom of expression, association and assembly, and he called upon the Special Rapporteur on freedom of opinion and expression to include Myanmar in his next report.

79. Mrs. KRISNAWATY (Third World Movement against Exploitation of Women) said that in countries where military regimes had transferred political power to civilians but where elements of repressive political structures survived, it was unlikely that impunity could be ended. One such case was that of Indonesia, where human rights abuses were seldom properly investigated and even less often brought to justice. The Working Group on Arbitrary Detention had reported in February 1999, after a visit to Indonesia and East Timor, that impunity for human rights violations committed by the army continued even under the Habibie administration.

80. Political reforms had failed to address the root problem of impunity and her organization urged the Commission to monitor closely the implementation of the recommendations made by the Working Group on Arbitrary Detention following its visit to Indonesia.

81. Mr. SUBIAKTO (Netherlands Organization for International Development Cooperation) said that a central factor in the practice of enforced and involuntary disappearances in Indonesia was the military's role in politics and internal security. The armed forces could interrogate and arrest any person in the name of "security". In the military operation zones of Aceh, West Papua and East Timor, the military's power was unlimited. Because of the atmosphere of violence and intimidation, relatives of missing people were afraid to report disappearances to the authorities which were themselves involved in many of the cases and the Habibie Government had not taken any serious action to investigate, prosecute and punish those perpetrating disappearances.

82. The Commission should thus exert pressure on the Government of Indonesia to investigate thoroughly all cases of enforced or involuntary disappearances and to put an end to the impunity of perpetrators and the Working Group on Enforced or Involuntary Disappearances should pay Indonesia a visit.

83. Ms. IBRAHIM (International Institute for Peace) said that, whenever the people of Pakistan began to enjoy the fruits of democracy, the inheritors of the legacy of martial law became sensitive to criticism and started to suppress democratic rights. In 1998, the Government had moved the 15th Amendment to the Constitution making the Shariah the supreme law of the land. That amendment was a serious threat to freedom of expression since the Shariah could be misused by fundamentalists. The crime of blasphemy had already become part of the system of criminal law and was used to curb freedom of expression by non-Muslims and Muslims alike. The Government of Pakistan should be urged to take all the necessary steps to protect the independence of the media against interference by political, religious or fundamentalist forces.

84. Mr. RAVENNA (Permanent Assembly for Human Rights) said that the Government of Argentina had used the situation of insecurity in the country to implement a campaign of repression against immigrants from other Latin American countries. It had announced new measures on migration, arguing that they would contribute to improving the security of the Argentine population by reducing urban crime. The fact was, however, that immigrants constituted only 2 per cent of the Argentine workforce. While there was no doubt that, with economic adjustment programmes and flexibility in the labour market, Argentina was passing through a difficult period, the security of society was being placed at risk by increasing poverty and unemployment rather than by the foreigners who were being victimized.

85. Ms. ABEYESEKARA (Women's International League for Peace and Freedom) said that it was extremely distressing to note that, despite all the assurances given year after year by the Government of Sri Lanka that it was taking steps to improve the situation, disappearances, torture and summary and arbitrary execution continued to occur in the island. That situation affected

women of all communities, not only through their direct exposure to violence but also through the general impact of human rights abuses on their role and position in society.

86. In 1992, the Working Group on Enforced and Involuntary Disappearances had urged the Government of Sri Lanka to bring its Prevention of Terrorism Act and Emergency Regulations into line with international human rights standards, but the two pieces of legislation remained unchanged. The reports of commissions of inquiry into disappearances appointed by successive Governments had not been tabled in Parliament, nor had their contents been made public. The reality was that those responsible for large-scale disappearances were not being held accountable.

87. Her organization urged the Commission, yet again, to call upon the Government of Sri Lanka to investigate the mass grave sites using modern forensic methods, to ensure that the invitation extended in June 1998 to the Working Group on Enforced and Involuntary Disappearances was implemented before the Commission's fifty-sixth session and to extend an invitation to the Special Rapporteur on the freedom of expression and opinion.

88. It was a matter of grave concern that the President and Minister of Justice of Sri Lanka had said recently that the Government was reinstating the death penalty. Sri Lanka, which had not carried out a single execution since 1986, was thus going against the flow of international opinion although the death penalty would not provide a response to the root causes of crime and the cultural violence that pervaded society there.

89. Ms. NEURY (Centre Europe-Tiers Monde) called on the Commission to note the Final Report on the Question of the Impunity of Perpetrators of Human Rights Violations (Economic, Social and Cultural Rights) (E/CN.4/Sub.2/1997/8), and to establish a follow-up mechanism which would enable it to consider the phenomenon of impunity on the basis of the recommendations and conclusions of the two reports regarding impunity of the perpetrators of violations of civil and political rights and economic, social and cultural rights, respectively.

90. Her organization was concerned at the situation of human rights defenders in Tunisia, where their systematic repression, intimidation and harassment formed an integral part of the political system. The Tunisian Human Rights League had been under intense police surveillance for years, with its leadership intimidated, and the recently established National Council for Liberties in Tunisia had been refused legal status by the Ministry of the Interior. Her organization called upon the Tunisian authorities to stop repressing and harassing political opponents and supporters of democracy.

91. Ms. STOTHARD (Aliran Kesedaran Negara National Consciousness Movement) said that, on 9 August 1998, some 18 people - from Australia, Indonesia, Malaysia, the Philippines, Thailand and the United States of America - had been arrested in the capital of Myanmar for distributing goodwill messages which were neither anti-Government in nature nor conducive to hatred or negative action. They had been detained for a week, sentenced to five years' imprisonment and deported the following day. They had been held without explanation or formal charge until the trial; they had had no access to

consular officials until the third day of their detention; their statements had been forged in front of them during questioning on the first day; they had been given no indication of the case they had to answer; and they had not been given legal representation or the opportunity to obtain legal assistance.

92. The case clearly proved that Myanmar was devoid of the rule of law. It was safe to assume that in cases involving citizens of Myanmar, where trials were closed and dissidents were denied legal counsel, violations were even more severe and more pervasive. Incidentally, the three Malaysians who had distributed goodwill messages in Myanmar had had their passports revoked in Malaysia for "tarnishing the image of the country".

The meeting rose at 6.05 p.m.